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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,353	09/26/2006	Laurent De Volder	BVC-112	4654
20028	7590	08/20/2009	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,353	Applicant(s) DE VOLDER, LAURENT	
	Examiner LEO T. HINZE	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) 26,27,29-35,37,38 and 40-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,28,36 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060926</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of groups III and XIII, claims 25, 28, 36, and 39 in the reply filed on 01 May 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claims 28, 36, and 39 are objected to because of the following informalities:

- a. Claim 28 recites "it" in line 1. It appears that "it" refers to the device for linear pad printing products recited in claim 25.
- b. Claim 36 recites "the additional secondary guide" in line 5. This recitation lack a proper antecedent basis.
- c. Claim 39 recites several elements, previously recited in claim 36, using the article "a" instead of "the" or "said", including "a primary guide" and "a secondary guide".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 25, 28, 36, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by De Volder, WO 92/05960 (hereinafter De Volder).

a. Regarding claim 25, De Volder teaches a device for linear pad printing products with significant variations between them (12, Fig. 10; “objects which may also slightly vary in size and which have been put in their container in an irregular way,” p. 1, lines 27-28) by means of a linear pad (8, Fig. 9), said device comprising a cliché (“transferred from a printing block,” p. 1, lines 4-5), and at least one pad with a primary guide provided for the main movement of the pad (primary guide 14, Fig. 10), which provides for a movement function (pad must be moved from position where it is inked on cliché to position where it prints on products, Fig. 10), wherein said device comprises at least one secondary guide as buffer element for buffering the differences in effective deposit depth between the individual products to be printed (10, Fig. 9), wherein said at least one secondary guide is arranged axially with respect to said pad and outwardly thereto so as to act thereon (10 arranged axially with 8, Fig. 9).

b. Regarding claim 28, De Volder teaches the device accordingly to claim 25, as discussed in the rejection of claim 25 above. De Volder also teaches wherein it comprises a piece holder for receiving the products to be printed (11, Fig. 10), wherein said piece holder is provided with apertures provided therefore, wherein the products to be printed can be taken up, wherein the position and the orientation of the product relative to the printing unit can be brought in correspondence with the one which is necessary for printing the image at the appropriate position on the product (it appears that images are printing on the objects, so the products appear to have been brought in

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correspondence with the one which is necessary for printing the image at the appropriate position on the product, Fig. 10) .

c. Regarding claim 36, De Volder teaches a method for linear pad printing products (12, Fig. 10) with significant variations between them ("objects which may also slightly vary in size and which have been put in their container in an irregular way," p. 1, lines 27-28) by means of a pad (8, Fig. 9), wherein printing material is applied on a cliché ("transferred from a printing block," p. 1, lines 4-5) according to a determined pattern, wherein a pad and a cliché are brought in mutual contact (B) from a rest position (A) by means of a primary guide (14, Fig. 10; "transferred from a printing block," p. 1, lines 4-5), wherein the printing material is taken up by the pad of the cliché, and in that when taking up said printing material, the additional secondary guide buffers the contact between the pad and the cliché (10, Fig. 9), after which the pad is moved in a deposit position (C), wherein the image taken up by the pad is deposited on the product to be printed, wherein said secondary guide elements axially buffer the contact between the pad and the products to be printed and after which said pad is moved back to its rest position (A) (pad 8 prints on objects 12, Figs. 9 and 10).

d. Regarding claim 39, De Volder teaches the method according to claim 36, as discussed in the rejection of claim 36 above. De Volder also teaches wherein said method is performed by a device comprising at least one pad (8, Fig. 9) with a primary guide provided for the main movement of the pad (7, Fig. 9), which provides for a movement function, wherein said device comprises at least one secondary guide as buffer element for buffering the differences in effective deposit depth between the

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individual products to be printed (10, Fig. 9), wherein said at least one secondary guide is arranged axially with respect to said pad and outwardly thereto so as to act thereon (10 arranged axially with 8, Fig. 9).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854